IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.M.20654-M of 2007

Date of Decision: May 8, 2007

Ram Bhagat ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE S D. ANAND

PRESENT: Mr.RA Sheoran, Advocate for the petitioner.

Mr.SS Mor, Senior DAG Haryana.

JUDGMENT

Initially, the petitioner faced an allegation under Section 302 of the Indian Penal Code on a charge of having done his wife to death on account of her inability to bring sufficient dowry and also for not having been able to conceive a child. On investigation by the police, the offence under Section 302 of the Indian Penal Code was converted into an offence under Section 306 of the Indian Penal Code. The petitioner is facing a trial on that charge,

In support of the bail plea, the learned counsel for the petitioner argues that the prosecution plea against the petitioner is feeble and would not be able to stand the test of scrutiny. Also urged in that context is a submission that the accused is in custody since 27.2.2006 and the conclusion of trial is likely to take long. It is also the plea that the petitioner was married about 14-

15 years ago and it would appear unnatural that a dowry demand was raised after such long period of matrimony.

Learned Senior Deputy Advocate General resists the bail plea aforementioned and also points out that in a private complaint filed by the complainant, the summoning of the petitioner (and some others who were not found legally accountable by the police in the FIR aforementioned) had been ordered to be summoned to face a trial under Sections 302/34/218/219 of the Indian Penal Code. The complainant was impelled to file a private complaint as he found the police investigation to be woefully deficit.

Learned counsel for the petitioner also argues that the matter had been enquired into by a senior police officer twice and a finding of exoneration was recorded qua the petitioner.

In so far as the last indicated averment is concerned, it does not find mention in the petition. There also is no document on the file in support thereof. The plea raised, in the context, shall stand negatived accordingly.

As would be apparent from the facts indicated in the preceding paras, the petition faces a fairly serious allegation. The trial is already in progress. I find no justification to allow bail to the petitioner – accused in the circumstances of the case. However, the Trial Court is directed to proceed in the matter at an expeditious pace.

Dismissed.

(S. D. ANAND)
JUDGE

May 8, 2007
SRM